

09.02.2023
Court No.13
Item No.32
pk

WPA 19682 of 2022

Janmenjay Mistry and another
Vs.
The State of West Bengal and others

Ms. Mitali Jana
...for the petitioners.

Mr. Saunak Bhattacharya,
Mr. Saunak Mondal
... for the respondent nos. 4 to 11.

The writ petitioners have obtained a decree for declaration and permanent injunction on 23rd June, 1998 in T. S. No. 82 of 1987 from the Court of the learned Civil Judge(Senior Division), Diamond Harbour.

An appeal filed by the private respondents against the decree has been dismissed. A second appeal has been carried to this Court, which is pending.

Counsel for the petitioners submits that the private respondents in violation of the decree are interfering with their possession and cutting the trees.

Counsel for the private respondents submits that they have not cut any trees in the property.

The remedy of the petitioners is, therefore, in seeking execution of the decree-in-question or seeking any interim relief in the pending civil proceeding.

The I. C., Raidighi Police Station has filed a report dated 15.09.2022 and the same is taken on record.

It appears that proceedings under Sections 107/116(3) have been drawn up against the private respondents.

Raidighi Police Station shall ensure that there is no breach of peace in the area and shall maintain regular vigil thereat.

In view of the above, the instant writ petition is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)